



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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Attorney General

LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

[212-416-8118]

APPLICATION GRANTED
SO ORDERED

May 28, 2008

BYFAX: 212-805-0107

Honorable John G. Koeltl
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

John G. Koeltl, U.S.D.J.

MAY 28 2008

Re: White v. State of New York, et. al., 08 CV 0993 (JGK)

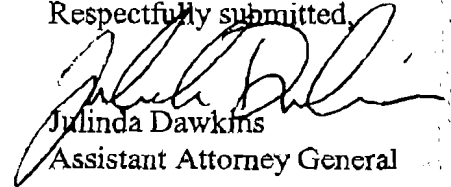
Your Honor:

I am the Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, assigned to the defense of this matter. I write on behalf of the defendants the New York State Department of Correctional Services, Joseph Williams, Ronald Haines, Salvatore Munafo, George Van Valkenburg and Robert Murray ("defendants") to respectfully request a thirty (30) day enlargement of time to respond to the complaint, from May 30, 2008 to June 30, 2008. I also respectfully request an adjournment of the Initial Pre-Trial Conference currently scheduled for June 9, 2008 at 4:30 p.m. to a date that is convenient to the court, preferably after the defendants have responded to the complaint. Plaintiff consents to these requests.

An enlargement of time is necessary as one of the named individual defendants, Nicholas Brocco, has not been served with the summons and complaint. Plaintiff's counsel has represented that he intends to serve this defendant within the next few weeks. Once service has been made, this office would like the opportunity to speak with and review the complaint with Brocco and then submit a response on behalf of all defendants. I note that by making this request on behalf of defendant Brocco, I am not waiving any possible defenses that he may have, including the lack of personal jurisdiction.

This is defendants' second request for an extension of time to respond and our first request for an adjournment of the Initial Pre-Trial Conference. Accordingly, I request that defendants' time to respond to the complaint be enlarged to June 30, 2008 and that the Initial Pre-trial Conference be adjourned to a date determined by the Court.

Respectfully submitted,



Julinda Dawkins
Assistant Attorney General

cc: Mr. Rocco G. Avallone, Esq.
Cronin & Byczek, LLP
Attorneys and Counselors at Law
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FACSIMILE TRANSMISSION

DATE May 28, 2008

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TO Honorable Judge John G. Koeltl

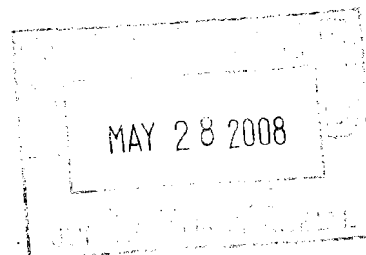
RE: White v. State of NY, et. al., 08 CV 0993 (JGK)

FAX NO. (212) 805-7912

FROM Julinda Dawkins, Assistant Attorney General

REMARKS

See Attached.



IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CONTACT

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